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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,237	09/09/2003	James Thomas Edward McDonnell	300200017-2	8845
22879	7590	01/25/2008	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			NGUYEN, KHAI MINH	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			01/25/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/657,237	MCDONNELL ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Khai M. Nguyen	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 November 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weatherspoon et al. (U.S.Pat-7174564) in view of Kalavade et al. (U.S.Pat-20020191575).

Regarding claim 1, Weatherspoon teaches a method wherein a cellular communications service provider authenticates a provider of a service running at a wireless base station (fig.3a-3c), the method comprising:

receiving an indication of potential use of a specified wireless hotspot (not show) from a user (fig.3a-3c, col.4, lines 47-55);

verifying the trustworthiness of the provider of the service with a party independent from said provider (col.4, line 30 to col.5, line 37); and

on successful verification (fig.3a, section 300) of the provider of the service (fig.3a-3c, col.4, lines 47-55), providing the user with a confirmation that the provider of the service is authenticated by the cellular communications service provider (col.4, line 30 to col.5, line 37).

Weatherspoon fails to specifically wireless hotspot. However, Kalavade teaches wireless hotspot ([0076]-[0077]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of

Kalavade to Weatherspoon to provide a method for converging local area and wide area wireless data networks.

Regarding claim 2, Weatherspoon and Kalavade further teach a method as claimed in claim 1, wherein the service is use of the hotspot and the provider of the service is a wireless hotspot provider (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0076]-[0077]).

Regarding claim 3, Weatherspoon and Kalavade further teach a method as claimed in claim 1, wherein the service is a service running over infrastructure of the wireless hotspot and the provider of the service is not the provider of the wireless hotspot (see Weatherspoon, col.4, line 30 to col.5, line 37).

Regarding claim 4, Weatherspoon and Kalavade further teach a method as claimed in claim 1, wherein the confirmation provided comprises a key enabling the user to use the service provided by the provider (see Weatherspoon, col.4, line 30 to col.5, line 37).

Regarding claim 5, Weatherspoon and Kalavade further teach a method as claimed in claim 1, further including tracking the location of a user via a user's wireless communications device (see Kalavade, [0015], claim 37); and

predicting, from the location of the user (see Kalavade, [0015], claim 37), a service at a wireless hotspot within current or future range of the user (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, claim 37).

Regarding claim 6, Weatherspoon and Kalavade further teach a method as claimed in claim 5, further including supplying the user with information concerning the location of one or more hotspots close to the user or closest to the user (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0015], claim 37).

Regarding claim 7, Weatherspoon and Kalavade further teach a method as claimed in claim 5, wherein the indication of potential use is determination that the hotspot is within present or future range of the user (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0015], claim 37).

Regarding claim 8, Weatherspoon and Kalavade further teach a method as claimed in claim 7, further including receiving a positive request to use the service (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0015], claim 37), and commencing authentication of the provider of the service before the positive request is received (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0015], claim 37).

Regarding claim 9, Weatherspoon and Kalavade further teach a method as claimed in claim 1, wherein the indication of potential use is a positive request from the user (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0015], claim 37).

Regarding claim 10, Weatherspoon teaches a computer system for a cellular telecommunications provider, comprising a processor arranged for:

receiving an indication of potential use of a specified wireless hotspot (not show) from a user (fig.3a-3c, col.4, lines 47-55);

identifying services available at the specified wireless hotspot (col.4, line 30 to col.5, line 37);

authenticating providers of the services available at the specified wireless hotspot (col.4, line 30 to col.5, line 37); and

preparing authentication information for use by the user (col.4, line 30 to col.5, line 37).

Weatherspoon fails to specifically wireless hotspot. However, Kalavade teaches wireless hotspot ([0076]-[0077]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Kalavade to Weatherspoon to provide a method for converging local area and wide area wireless data networks.

Regarding claim 11, Weatherspoon and Kalavade further teach a computer system as claimed in claim 10, wherein in preparing the authentication information the processor is arranged for generating a cryptographic key (see Weatherspoon, col.4, line 30 to col.5, line 37):

Regarding claim 12, Weatherspoon and Kalavade further teach a computer system as claimed in claim 10, wherein the processor is further arranged for receiving location information representing the location of the user (see Weatherspoon, col.4, line

30 to col.5, line 37, see Kalavade, [0015], claim 37), and for determining from the location information one or more wireless hotspots that are or will be within the range of the user (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0015], claim 37).

Regarding claim 13, Weatherspoon and Kalavade further teach a computer system as claimed in claim 12, wherein the processor is further arranged for (a) receiving a positive request for use of a service at the hotspot from the user (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0015], claim 37), (b) commencing authenticating a provider of the service before the positive request is received (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0015], claim 37) and (c) preparing authentication information for use by the user after the positive request is received (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0015], claim 37).

Regarding claim 14, Weatherspoon teaches a storage medium storing a computer-readable program code thereon, the computer-readable program code being arranged to cause a computer system of a cellular communications provider to:

receive an indication of potential use of a specified wireless hotspot (not show) from a user (fig.3a-3c, col.4, lines 47-55);

identifying services available at the specified wireless hotspot (not show) (col.4, line 30 to col.5, line 37);

authenticating providers of the services available at the specified wireless base station (col.4, line 30 to col.5, line 37); and  
preparing authentication information for use by the user (col.4, line 30 to col.5, line 37).

Weatherspoon fails to specifically wireless hotspot. However, Kalavade teaches wireless hotspot ([0076]-[0077]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Kalavade to Weatherspoon to provide a method for converging local area and wide area wireless data networks.

Regarding claim 15, Weatherspoon teaches a method wherein a cellular telecommunications provider authorises a user to use a location-dependent service, the method comprising:

determining that the user is or will be within an operating range of location-dependent service (fig.3a-3c, col.4, lines 47-55);  
authenticating a provider of the service (col.4, line 30 to col.5, line 37); and  
authenticating the provider of the service to the user (col.4, line 30 to col.5, line 37).

Weatherspoon fails to specifically tracking the location of the user via a wireless communications device of the user. However, Kalavade teaches tracking the location of

the user via a wireless communications device of the user ([0015], claim 37). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Kalavade to Weatherspoon to provide a method for converging local area and wide area wireless data networks.

Regarding claim 16, Weatherspoon and Kalavade further teach a method as claimed in claim 15, further comprising receiving a request to use the location-dependent service by the user (see Weatherspoon, fig.3a-3c, section 300, col.4, line 30 to col.5, line 37).

Regarding claim 17, Weatherspoon and Kalavade further teach a method as claimed in claim 16, wherein authenticating the provider of the service commences prior to receiving the request authenticating the provider of the service subsequent to receiving the request (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0076]-[0077]).

Regarding claim 18, Weatherspoon and Kalavade further teach a computer system as claimed in claim 10, wherein in authenticating providers of the services the processor is arranged for verifying the trustworthiness of the providers of the services (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0076]-[0077]).

Regarding claim 19, Weatherspoon and Kalavade further teach a storage medium as claimed in claim 14, wherein the computer-readable program code arranged to cause the computer system of the cellular communication provider to authenticate providers of the services is arranged for verifying the trustworthiness of the providers of

the services (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0076]-[0077]).

Regarding claim 20, Weatherspoon and Kalavade further teach a method as claimed in claim 15, wherein authenticating the provider of the service comprises verifying the trustworthiness of the providers of the services (see Weatherspoon, col.4, line 30 to col.5, line 37, see Kalavade, [0076]-[0077]).

***Conclusion***

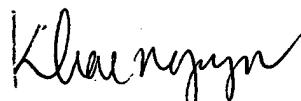
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571.272.7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/657,237  
Art Unit: 2617

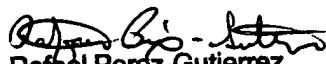
Page 11

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Au: 2617

1/8/2008



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1/12/08